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## **Former Police Commissioner Loses Legal Bid Against City** **Whitman denied \$146,000 and lifetime health insurance**

For Immediate Release  
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(October 20, 2005- TROY)- Former City of Troy Police Commissioner Mark Whitman was denied a series of benefits by the Honorable George B. Ceresia last week, after City attorney's effectively argued that the statute of limitations had expired on the majority of Whitman's case.

Whitman had sued the City for \$180,000 and lifetime health benefits for him and his family, a number that would come close to \$1 million when all is said and done. Earlier this year Ceresia ruled in favor of Whitman through a Summary Judgment. This latest portion of the case was simply to decide damages.

In the original case, the City Attorney, no longer with Troy, had failed to argue the statute of limitations had expired for the years Whitman was seeking damages for.

Attorney Bryan Goldberger, who is paid out of a fund Democrat City Council candidates are threatening to cut, argued numerous points, and lowered the damages against the City to \$34,160.66. Whitman was awarded the money because former Mayor Mark Pattison neglected to follow the law and pay the commissioner the same amount as his subordinate, the Police Chief.

Mayor Harry J. Tutunjian said Thursday he was pleased with the outcome of the case, and thanked Goldberger for his work.

"This was not some small legal case we wanted to win," Tutunjian said. "This was a major decision in our favor, a decision we needed. Having to pay lifetime health benefits for a six-year employee is an absurd idea, and I want to thank the Corporation Counsel's office, particularly Bryan Goldberger, for his work that saved the residents of Troy what would've amounted to \$1 million over the next 30 years."

The court also denied Whitman's request that the City of Troy pay his legal fees for the case.

Corporation Counsel David Mitchell said Thursday: "This is a fantastic victory for the taxpayers of Troy. The case was complicated with several difficult legal issues caused by the prior administration's failure to document the terms of Mr. Whitman's employment. Bryan Goldberger is the preeminent labor lawyer in the state and I am thankful we had him on our team to fight this case."

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City Councilman Mark Wojcik, the chair of the Council Law Committee, said Thursday the decision comes at an integral time for Troy.

“This Council has taken the necessary steps to ensure that the residents of Troy are protected to the fullest,” Wojcik said. “We no longer have an office full of no-show attorney’s who forget simple things like statute of limitations. Any plans to destroy a fund meant for fighting lawsuits like this one by former Commissioner Whitman, would be detrimental to the future of the City.”

City Councilwoman Carolin Collier concurred with Wojcik, and said that while some candidates for the Council are mocking the idea that the \$168,000 fund is not needed, common sense dictates otherwise.

“This is another example of what happens when you stop giving in to people and fight for what is right,” Collier said. “We’re talking \$150,000 and lifetime benefits for a family that we do not have to pay now because of competent staff willing to fight for the people of Troy.”

Councilman Bob Armet seconded Collier’s comments by saying, “I think this speaks very well for the Corporation Counsel’s office for putting this thing to rest for the betterment of the residents of Troy.”